

REMARKS

Claims 1 and 3-18 are currently pending in this application. Claim 2 was canceled in a previous amendment.

Claims 1, 6-14, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Autrey et al. (U.S. Patent No. 4,145,781). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. (U.S. Patent No. 4,734,946). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. and further in view of Bellows et al. (U.S. Patent No. 6,557,191). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. and Bellows et al. and further in view of Wallace et al. (U.S. Patent No. 2,687,537). Claims 15 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view Stephens (U.S. Patent No. 1,866,953).

Autrey et al. Disclose Decorative Covers for a Mattress and Sidewall, Not Three Dimensional Architectural Features Formed on a Plastic Sidewall

The Examiner asserts that base claims 1, 10, and 11 are unpatentable under 35 U.S.C. §103(a) based on Broyles in view of Autrey et al. Applicant respectfully disagrees.

Autrey et al. explicitly distinguish a "tailored covering 117" and "quilted side panel 119" from the "outer surfaces of ...side wall 113" at col. 3, lines 45-52 as follows:

The outer surfaces of the cushion and base are covered with a tailored covering 117 which gives the structure the external appearance of a conventional foundation for an innerspring mattress. This cover includes an upper panel 118 which is secured to the upper surface of cushion 116, a quilted side panel 119 which extends over the outer surfaces of cushion [116] and side wall 113... (See Fig. 6).

As clearly shown in Fig. 6 of Autrey et al., the "tailored covering 117" is a separate covering of the "side wall 113" and not "an outer surface of the sidewall" that "includes three dimensional architectural features formed therein" as recited in base claims 1, 10, and 11.

The Examiner has admitted that Broyles does not teach or suggest "a mattress foundation (C) having at least one sidewall outer surface (2-5) including three dimensional architectural features formed or molded therein, wherein the architectural features mimic a pattern and tactile feel substantially comparable to a quilted surface of a companion mattress" (See Office Action, Section 3). Because Autrey et al. only disclose a "covering 117" and not "architectural features formed" on the "outer surface of the sidewall" itself, Autrey et al. cannot not teach or suggest "a mattress foundation.... wherein an outer surface of the sidewall includes three dimensional architectural features formed therein, wherein the architectural features mimic a pattern and tactile feel substantially comparable to a quilted surface of the companion mattress" as recited in base claim 1.

For the above reasons, the combination of Broyles and Autrey et al. fail to teach or suggest all of the elements of base claims 1, 10, and 11. Therefore, there is no prima facie case of obviousness for base claims 1, 10, and 11 with regard to Broyles and Autrey et al. Accordingly, the §103 Rejection of amended base claims 1, 10, and 11 should be withdrawn.

Because claims 3-9 and 12-18 depend from, and are limited by, base claims 1 and 11 respectively, the §103 Rejection of these claims should be withdrawn.

Other Rejections

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. At least for the reasons discussed above, there is no prima facie case of obviousness for claim 3. Accordingly, the §103 Rejection of claim 3 should be withdrawn.

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. and further in view of Bellows et al. At least for

the reasons discussed above, there is no prima facie case of obviousness for claim 4. Accordingly, the §103 Rejection of claim 4 should be withdrawn.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view of Saputo et al. and further in view of Bellows et al. and further in view of Wallace et al. At least for the reasons discussed above, there is no prima facie case of obviousness for claim 5. Accordingly, the §103 Rejection of claim 5 should be withdrawn.

Claims 15 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Autrey et al. and further in view Stephens. At least for the reasons discussed above, there is no prima facie case of obviousness for claims 15 and 16. Accordingly, the §103 Rejection of claims 15 and 16 should be withdrawn.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P03-085 from which the undersigned is authorized to draw.

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